

In the Matter of License No. 94245

Issued to: JOHN E. K. MUNRO

DECISION AND FINAL ORDER OF THE COMMANDANT
UNITED STATES COAST GUARD

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JOHN E. K. MUNRO

By virtue of the authority vested in me as Commandant of the United States Coast Guard, I have decided, on my own motion, to review the proceedings, decision and order in this case.

A Coast Guard Examiner at San Francisco, California, originally heard this case on 24 March, 1953. Two charges against Captain Munro were presented; the first being "negligence," because, while serving as Master of the SS LUMBER CARRIER on a voyage from San Francisco to Yokosuka, Japan, between 19 January and 15 February, 1953, he navigated his vessel at excessive speed into very rough and heavy seas and swells which caused damage to his vessel and cargo. The second charged "misconduct," in that while serving as stated above, he did on or about 19 January, 1953, wrongfully erase and alter entries in the vessel's logbook.

To the first charge, the Master entered a plea of "not guilty"; and the Examiner on 1 April, 1953, announced his conclusion that the evidence was insufficient to establish that charge; which was thereupon dismissed.

Respecting the second charge, the Master pleaded "guilty," but stated his act was without any criminal intent. The Examiner accepted that plea, but eventually entered an order suspending Captain Munro's license for one month on six months probation. That Order has brought the case before me.

OPINION

Apart from the statutory provisions respecting the entry of specified events or transgressions of seamen occurring on merchant vessels of the United States in an "Official Log" (46 U.S.C. 201-203 and 702), I am aware of no law which requires entries in a vessel's rough (or smooth) deck log of weather conditions. It is, of course, routine marine practice on merchant vessels to keep a journal or record which serves a variety of uses not necessary to be stated here.

The Examiner stated his opinion (which has support in the Record) that the changes made by Captain Munro "were obvious to the eye and clearly not intended to deceive"; that they were part of the Master's "admonition to watch standers to make accurate entries and personal observations." In the light of such statement, I see

no good reason for suspending, even probationally, the Master's license on this charge.

ORDER

The Examiner's Order dated San Francisco, California, on 1 April, 1953, is REVERSED, VACATED, and SET ASIDE; the charge is DISMISSED.

Merlin O'Neill
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 2nd day of July, 1953.